

REMARKS

The Office Action dated October 18, 2006 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1-3, 6-8 have been amended and claims 5 and 11-18 are canceled. Newly added claims 19-24 are presented for the Examiner's review for consideration.

Claims 2, 8, and 9 were objected to as containing informalities. These claims are amended to correct these informalities.

Claim 3 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 has been amended to correct the lack of antecedent basis.

Claim 4 also stands rejected under 35 USC 112, second paragraph, as indefinite for lacking antecedent basis for a portion of its recitation. The dependency of claim 4 was changed to correct the lack of antecedent basis.

Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chevallet et al. (5,441,636). The Office Action states that Chevallet shows a fluid circuit module with multiple portions mounted in different sections of a cartridge frame 220. The Office Action further states that the cartridge serves as a tray or support and that the fluid circuit portions are in an overlaying relationship with the processing module 210. Claims 1, 3, and 7-10 are rejected under 35 USC 102(b) as anticipated by Bilstad (4,479,760). Bilstad shows flat containers made of flexible material.

In contrast to Chevallet and Bilstad, the rejected claims 1 and 7 both recite at least:

said tubular and flexible panel-shaped portions being adapted for conveying blood and at least one other fluid consumed by a blood treatment operation.

Neither Bilstad nor Chevallet shows flexible panel-shaped portions adapted to *convey* fluids as required by claim 1. Bilstad shows a flat fluid container, but not a fluid circuit with a panel shaped portion adapted to convey fluid.

Since both of the rejected independent claims contain features not shown by the references, Applicants submit that their rejection was in error and request notice to that effect. The dependent claims contain all the limitations of the base claims and additional limitations and therefore should be allowable as well. New claims 19-33 contain at least the limitations argued to distinguish the references above. Applicants' failure to argue with particularity against the rejections of the dependent claims does not constitute an acquiescence to those rejections, but rather a recognition that those rejections are moot based on the remarks herein.


CONCLUSION

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,

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